

# HOUSE BILL No. 1321

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-25.5.

**Synopsis:** Portfolio schools. Authorizes Indianapolis public schools to enter into an agreement with a school management team to establish portfolio schools.

**Effective:** July 1, 2014.

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January 15, 2014, read first time and referred to Committee on Education.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1321

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-25.5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2014]:  
4 **ARTICLE 25.5. PORTFOLIO SCHOOLS**  
5 **Chapter 1. Applicability**  
6 **Sec. 1. This article applies to a common school corporation that:**  
7 (1) is located in whole or in part in the most populous  
8 township in a county having a population of more than seven  
9 hundred thousand (700,000); and  
10 (2) serves the largest geographical territory of any school  
11 corporation in the county.  
12 **Chapter 2. Definitions**  
13 **Sec. 1. As used in this article, "board" has the meaning set forth**  
14 **in IC 20-25-2-5.**  
15 **Sec. 2. As used in this article, "eligible school" means a school**  
16 **which is part of a school corporation that:**



- (1) was in the lowest two (2) categories of school improvement for three (3) consecutive school years; or  
 (2) is vacant, underutilized or underenrolled as designated by the school corporation.

Sec. 3. As used in this article, "portfolio school" is an eligible school operated by a school management team.

Sec. 4. As used in this article, "school management team" is a not-for-profit entity responsible for the operations of an eligible school within a school corporation.

### Chapter 3. Establishment of Portfolio Schools

Sec. 1. A portfolio school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.
- (4) Gender.
- (5) National origin.
- (6) Religion.
- (7) Ancestry.

Sec. 2. (a) Subject to section 3 of this chapter, the board may enter into an agreement with a school management team to establish a portfolio school. The term of the agreement may not be less than five (5) years.

(b) The terms of the agreement shall specify the following:

- (1) A statement that the portfolio school is considered to be part of the school corporation and not considered a separate local educational agency.
- (2) A statement that the school management team authorizes the school corporation to include the portfolio school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment under 511 IAC 6.2-6-5.8, as it existed on January 1, 2014.
- (3) Provide that the portfolio school is eligible to receive all state and federal funding, including tuition support, calculated in a manner as if the school was operated by the school corporation.

(c) If a school management team and a board enter into an agreement under subsection (a), the school management team and the board shall notify the department that an agreement has been made under this section within thirty (30) days of the agreement.

(d) The school corporation and the school management team



1 shall outline the distribution of all federal and state funds in the  
2 agreement entered into under subsection (a).

3 (e) Upon receipt of the notification under subsection (c), the  
4 department shall, for school years starting after the date of the  
5 agreement, include the portfolio school's performance assessment  
6 results under IC 20-31-8 when calculating the school corporation's  
7 performance assessment under 511 IAC 6.2-6-5.8, as it existed on  
8 January 1, 2014.

9 Sec. 3. The portfolio school shall be subject to oversight from  
10 the state board. The state board shall evaluate the performance of  
11 the portfolio school based on measures agreed upon by the board  
12 and the school management team. The school management team  
13 shall also provide to the state board on a quarterly basis:

- 14 (1) academic data;
- 15 (2) financial data; and
- 16 (3) operational data

17 for the portfolio school.

18 Sec. 4. (a) For as long as the school management team operates  
19 the portfolio school:

- 20 (1) the school management team shall continue to use the
- 21 eligible school building, the accompanying real property, and
- 22 the building's contents, equipment, and supplies; and

- 23 (2) the school corporation shall continue to:

- 24 (A) provide transportation for students attending the
- 25 portfolio school at the same level of service the school
- 26 corporation provided before the eligible school became a
- 27 portfolio school; and

- 28 (B) maintain and repair the buildings and grounds
- 29 consistent with the maintenance and repair to the school
- 30 corporation's other buildings and grounds.

31 The school corporation shall consult with the school  
32 management team regarding these matters.

33 (b) If the school management team contracts with a school  
34 corporation for goods or services, the school corporation may not  
35 charge the school management team more for the goods or services  
36 than the school corporation pays for the goods or services.

37 Sec. 5. (a) The school management team shall have full  
38 operational autonomy to run the portfolio school as provided in the  
39 agreement described in section 2 of this chapter.

40 (b) A school management team that operates a portfolio school  
41 under this chapter shall make all personnel decisions in the  
42 portfolio school. In operating the eligible school as a portfolio



1 school under this chapter, the school management team is not  
2 bound by a contract entered into under IC 20-29. Employees of a  
3 school management team may not organize and collectively  
4 bargain under IC 20-29-6.

5 Sec. 6. (a) Except as provided in subsection (b), the following do  
6 not apply to a portfolio school:

7 (1) An Indiana statute applicable to a governing body or  
8 school corporation.

9 (2) A rule or guideline adopted by the state board.

10 (3) A rule or guideline adopted by the state board concerning  
11 teachers, except for those rules that assist a teacher in gaining  
12 or renewing a standard or advanced license.

13 (4) A local regulation or policy adopted by a school  
14 corporation unless specifically incorporated in the agreement  
15 described in section 2 of this chapter.

16 (b) IC 20-24-8-5 applies to a portfolio school.

17 Sec. 7. Any student who lives in the attendance area served by  
18 a school that is operated as a portfolio school under this chapter  
19 may attend the portfolio school. The portfolio school may not  
20 refuse enrollment to a student who lives in the attendance area.

21 Sec. 8. The school management team and the board shall hold  
22 a joint public meeting at least two (2) times each year to discuss  
23 issues and progress concerning the portfolio school.

